

EXHIBIT 3 TO PROPOSED AMENDED COMPLAINT

(Filed under separate cover)



BLACKBERRY DEVICE FORENSIC ASSESSMENT REMARKS

Cycura performed a forensic review of the Blackberry Mobile Phone provided to Ms. Andrea Tantaros by Fox News. The device had been in a powered down state and was contained in a Faraday Bag to prevent network (3G) communications. Ms. Tantaros has stated that prior to the device being isolated, Fox News had attempted to “wipe” the device remotely using the server that controls it, which has complete authority over the function of the device and contents held within. Cycura notes the following as relates to the device and data that remains on the device after it had been “wiped” by Fox News.

(1) "Only the Blackberry Enterprise Server (BES) Administrator can issue a remote wipe command to these devices. Fox News' technical team would be responsible for the administration of this BES Server and would have had to issue this command. "

(2) "The device was selectively wiped, meaning that a full factory reset was not issued, but that the secure container for corporate data was removed. Based on Ms. Tantaros description, thousands of emails and text messages would have been removed from the device. A complete backup of the device was not available to compare the remaining contents; however such a backup may exist on the BES Server located at Fox News."

Cycura observed technical irregularities, which, in our opinion as forensic and security experts are unusual and outside of our normal expectations:

(3) "Despite the device being remotely wiped, a select number of SMS and email messages remained on the device. Under normal circumstances, data pertaining to Fox News and addressed to Ms. Tantaros Fox News email account would have been stored in the secure container for corporate data, and removed when the wipe was issued, unless intentionally excluded. "

As witnessed by:

Name: Iain Paterson
Title: Managing Director
Company: Cycura Inc.

Signature: _____

A handwritten signature in black ink, appearing to read "Iain Paterson", is written over a horizontal line.